

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GENLYTE THOMAS GROUP LLC,
a Delaware Limited Liability Company

Plaintiff,

v.

ARCHITECTURAL LIGHTING SYSTEMS a
division of ARCH LIGHTING GROUP, a
Rhode Island Corporation

Defendant.

Civil Action No. 05-10945(WGY)

MOTION FOR IMPOUNDMENT ORDER

Pursuant to Local Rule 7.2, Plaintiff, Genlyte Thomas Group LLC (“Genlyte”), respectfully moves the Court for the entry of an order impounding certain confidential documents that Genlyte filed as part of its pleading in this action. As grounds for this Motion, Genlyte states as follows:

1. Genlyte intends to file “Plaintiff’s Memorandum In Opposition To Defendant’s Motion for Summary Judgment and for Attorney Fees” (“Memorandum”) as part of its pleadings in this case.
2. Genlyte’s Memorandum includes a “Response to Defendant’s Statement of Undisputed Facts and Counterstatement of Facts” (“Response”); and, the Response includes the Expert Declaration of Thomas Lemons (“Lemons Declaration”).
3. The Lemons Declaration includes and makes reference to several documents which have been produced by Defendants in discovery and designated as “Highly Confidential” under the terms of the Stipulated Protective Order that was entered by this Court on January 3,

2006. These documents include data sheets and engineering drawings, and they are identified as Exhibits B, C, K and L to the Lemons Declaration.

4. In view of Defendants' designation with respect to that information, Genlyte respectfully requests that the Court impound Exhibits B, C, K and L to the Lemons Declaration.

5. A proposed Order of Impoundment is attached hereto as Exhibit A. As required by Local Rule 7.2, the proposed Order specifies that it shall terminate sixty (60) days after entry of final judgment herein, including any applicable appeal period.

6. Genlyte's counsel has attempted to confer with counsel for Defendant, pursuant to Local Rule 7.1(A)(2), but counsel for Defendant was unavailable to indicate his assent to this Motion.

Respectfully submitted,
GENLYTE THOMAS GROUP LLC,
By Its Attorneys,

Dated: November 15, 2006

/s/ John L. Capone
John L. Capone BBO #656,150
Cesari and McKenna, LLP
88 Black Falcon Avenue
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on this 15th day of November, 2006.

/s/ John L. Capone

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

GENLYTE THOMAS GROUP LLC,
a Delaware Limited Liability Company

Plaintiff,

v.

ARCHITECTURAL LIGHTING SYSTEMS a
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Rhode Island Corporation

Defendant.

Civil Action No. 05-10945(WGY)

EXHIBIT A

(PROPOSED) ORDER OF IMPOUNDMENT

There having been filed a motion requesting impoundment of certain Confidential Information or Highly Confidential Information within the meaning of the Stipulated Protective Order entered by the Court on January 3, 2006, and it appearing that there is good cause to impound such Confidential Information or Highly Confidential Information;

IT IS HEREBY ORDERED that the material identified as follows:

Exhibits B, C, K and L to the “Expert Declaration of Thomas Lemons”, which is being filed as part of “Plaintiff’s Memorandum In Opposition To Defendant’s Motion for Summary Judgment and for Attorney Fees” shall be impounded until sixty (60) days after entry of final judgment herein, including any applicable appeal period. Thereafter, the “Highly Confidential” Information shall be returned to counsel for Genlyte. Such counsel shall handle the material returned to them according to the terms of the Stipulated Protective Order entered by the Court.

Dated: _____, 2006

William G. Young, U. S. D. J.